

HOUSE BILL No. 1261

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-29.

Synopsis: Study commissions. Establishes the legislative enactments implementation oversight committee to review the executive department's implementation of legislation passed by the general assembly. Changes the due date for the report of the commission on disproportionality in youth services to the governor and the legislative council from August 15, 2008, to December 1, 2008.

Effective: Upon passage; July 1, 2008.

Crawford

January 14, 2008, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1261

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 29. Legislative Enactments Implementation Oversight**
5 **Committee**

6 **Sec. 1. As used in this chapter, "committee" refers to the**
7 **legislative enactments implementation oversight committee**
8 **established by section 2 of this chapter.**

9 **Sec. 2. The legislative enactments implementation oversight**
10 **committee is established.**

11 **Sec. 3. (a) The committee consists of the following eight (8)**
12 **members of the general assembly:**

13 **(1) Four (4) members of the house of representatives**
14 **appointed by the speaker of the house of representatives. Not**
15 **more than two (2) members appointed under this subdivision**
16 **may be members of the same political party.**

17 **(2) Four (4) members of the senate appointed by the president**



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pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(b) The appointing authorities shall make the appointments before December 1 of each even-numbered year. The appointments remain in effect until the election of the next general assembly.

(c) Any vacancy occurring on the committee must be filled by the appointing authority for the unexpired term.

Sec. 4. (a) The speaker of the house of representatives shall appoint a member of the committee to be the chair of the committee during the first regular session of each general assembly. The member appointed to be chair by the speaker serves as chair until the beginning of the second regular session of that general assembly.

(b) The president pro tempore of the senate shall appoint a member of the committee to be chair of the committee during the second regular session of each general assembly. The member appointed to be chair by the president pro tempore serves as chair until the election of the next general assembly.

(c) The committee shall meet to organize on the call of the chair not later than December 15 of each year. The committee shall meet at the call of the chair.

Sec. 5. Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. These expenses shall be paid from funds appropriated to the legislative council.

Sec. 6. The committee shall do the following:

(1) Review the process and the timeliness of the executive department's distribution of legislative appropriations.

(2) Study and investigate the executive department's implementation of legislation enacted by the general assembly.

Sec. 7. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative vote of five (5) members of the committee is required for the committee to take any action.

Sec. 8. (a) Notice of the date, time, place, and agenda of committee meetings may be given in the Indiana Register.

(b) The committee may require publication of a periodic announcement in the Indiana Register that describes the duties of the committee.

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1 (c) The committee may require publication in the Indiana
2 Register of an account of all or part of the proceedings of the
3 committee.

4 Sec. 9. (a) Except as provided in subsection (b), the committee
5 shall operate under the policies governing study committees
6 adopted by the legislative council, including the requirement of
7 filing an annual report in electronic format under IC 5-14-6.

8 (b) The committee may meet at any time during the calendar
9 year.

10 Sec. 10. The legislative services agency shall provide staff for the
11 committee.

12 SECTION 2. P.L.234-2007, SECTION 173, IS AMENDED TO
13 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
14 173. (a) As used in this SECTION, "commission" refers to the
15 commission on disproportionality in youth services.

16 (b) As used in this SECTION, "youth services" means the following:

- 17 (1) Juvenile justice services.
- 18 (2) Child welfare services.
- 19 (3) Education services.
- 20 (4) Mental health services.

21 (c) The commission on disproportionality in youth services is
22 established to develop and provide an implementation plan to evaluate
23 and address disproportionate representation of youth of color in the use
24 of youth services.

25 (d) The commission consists of the following members appointed
26 not later than August 15, 2007:

- 27 (1) The dean or a faculty member of an Indiana accredited
28 graduate school of public administration, social work, education,
29 mental health, or juvenile justice, who shall serve as chairperson
30 of the commission.
- 31 (2) The state superintendent of public instruction, or the
32 superintendent's designee.
- 33 (3) The director of the division of mental health and addiction, or
34 the director's designee.
- 35 (4) The executive director of the Indiana criminal justice institute,
36 or the executive director's designee.
- 37 (5) The director of the department of child services, or the
38 director's designee.
- 39 (6) The commissioner of the department of correction, or the
40 commissioner's designee.
- 41 (7) A division of child services county director from a densely
42 populated county.

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- 1 (8) A faculty member of an Indiana accredited college or
- 2 university that offers undergraduate degrees in public
- 3 administration, social work, education, mental health, or juvenile
- 4 justice.
- 5 (9) A prosecuting attorney.
- 6 (10) A juvenile court judge.
- 7 (11) An attorney who specializes in juvenile law.
- 8 (12) A representative of the Indiana Minority Health Coalition.
- 9 (13) A health care provider who specializes in pediatric or
- 10 emergency medicine.
- 11 (14) A public agency family case manager.
- 12 (15) A private agency children's service social worker.
- 13 (16) A school counselor or social worker.
- 14 (17) A representative of law enforcement.
- 15 (18) A guardian ad litem, court appointed special advocate, or
- 16 other child advocate.
- 17 (19) The chairperson of an established advocacy group in Indiana
- 18 that has previously investigated the issue of disproportionality in
- 19 use of youth services.
- 20 (20) A young adult who has previous involvement with at least
- 21 one (1) youth service.
- 22 (21) A representative of foster parents or adoptive parents.
- 23 (22) A representative of a state teacher's association or a public
- 24 school teacher.
- 25 (23) A child psychiatrist or child psychologist.
- 26 (24) A representative of a family support group.
- 27 (25) A representative of the National Alliance on Mental Illness.
- 28 (26) A representative of the commission on the social status of
- 29 black males.
- 30 (27) A representative of the Indiana Juvenile Detention
- 31 Association.
- 32 (28) A representative of the commission on Hispanic/Latino
- 33 affairs.
- 34 (29) A representative of the civil rights commission.
- 35 (30) Two (2) members of the house of representatives appointed
- 36 by the speaker of the house of representatives. The members
- 37 appointed under this subdivision may not be members of the same
- 38 political party and serve as nonvoting members.
- 39 (31) Two (2) members of the senate appointed by the president
- 40 pro tempore of the senate. The members appointed under this
- 41 subdivision may not be members of the same political party and
- 42 serve as nonvoting members.

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The governor shall appoint the members under subdivisions (1), (7), (10), (13), (16), (19), (22), (25), (28), and (29). The speaker of the house of representatives shall appoint the members under subdivisions (8), (11), (14), (17), (20), (23), (26), and (30). The president pro tempore of the senate shall appoint the members under subdivisions (9), (12), (15), (18), (21), (24), (27), and (31). Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

(e) Each member of the commission shall have an interest in or influence on evaluating and addressing disproportionate representation of youth of color in the use of youth services.

(f) A majority of the voting members of the commission constitutes a quorum.

(g) The Indiana accredited graduate school represented by the chairperson of the commission under subsection (d)(1) shall staff the commission.

(h) The commission shall meet at the call of the chairperson and shall meet as often as necessary to carry out the purposes of this SECTION.

(i) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(l) The commission's responsibilities include the following:

- (1) Reviewing Indiana's public and private child welfare, juvenile justice, mental health, and education service delivery systems to evaluate disproportionality rates in the use of youth services by

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youth of color.

(2) Reviewing federal, state, and local funds appropriated to address disproportionality in the use of youth services by youth of color.

(3) Reviewing current best practice standards addressing disproportionality in the use of youth services by youth of color.

(4) Examining the qualifications and training of youth service providers and making recommendations for a training curriculum and other necessary changes.

(5) Recommending methods to improve use of available public and private funds to address disproportionality in the use of youth services by youth of color.

(6) Providing information concerning identified unmet youth service needs and providing recommendations concerning the development of resources to meet the identified needs.

(7) Suggesting policy, program, and legislative changes related to youth services to accomplish the following:

(A) Enhancement of the quality of youth services.

(B) Identification of potential resources to promote change to enhance youth services.

(C) Reduction of the disproportionality in the use of youth services by youth of color.

(8) Preparing a report consisting of the commission's findings and recommendations, and the presentation of an implementation plan to address disproportionate representation of youth of color in use of youth services.

(m) In carrying out the commission's responsibilities, the commission shall consider pertinent studies concerning disproportionality in use of youth services by youth of color.

(n) The affirmative votes of a majority of the commission's voting members are required for the commission to take action on any measure, including recommendations included in the report required under subsection (l)(8).

(o) The commission shall submit the report required under subsection (l)(8) to the governor and to the legislative council not later than ~~August 15, 2008~~ **December 1, 2008**. The report to the legislative council must be in an electronic format under IC 5-14-6. The commission shall make the report available to the public upon request not later than December 1, 2008.

(p) There is appropriated from the state general fund one hundred twenty-five thousand (\$125,000) dollars for the period beginning July 1, 2007, and ending December 31, 2008, to carry out the purposes of

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1 this SECTION, including the hiring by the chairperson of an individual
2 to serve only to assist the chairperson and members with research,
3 statistical analysis, meeting support, and drafting of the report required
4 under subsection (1)(8).

5 (q) This SECTION expires January 1, 2009.

6 SECTION 3. **An emergency is declared for this act.**

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